

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE:)	
)	
EASTERN LIVESTOCK CO., LLC)	CASE NO. 10-93904-BHL-11
)	
Debtor.)	
<hr/>		
SUPERIOR LIVESTOCK AUCTION, INC.)	
)	
Plaintiff,)	
)	ADVERSARY PROCEEDING
vs.)	
)	NO. 11-59088
EASTERN LIVESTOCK CO., LLC)	
)	
Defendant.)	
<hr/>		
FRIONA INDUSTRIES, L.P.)	
)	
Plaintiff,)	ADVERSARY PROCEEDING
vs.)	
)	NO. 11-59093
EASTERN LIVESTOCK CO., LLC, et al.)	
)	
Defendants.)	

**THIRD AMENDED NOTICE OF DEPOSITION OF JAMES KNAUER
AND SUBPOENA DUCES TECUM (CONTINUED EXAMINATION)**

PLEASE TAKE NOTICE that, pursuant to Rules 30, 34 and 45 of the Federal Rules of Civil Procedure, made applicable to the pending contested matters under the Bankruptcy Code pursuant to Fed. R. Bankr. P. 7030, 7034, 9014(c) and 9016, and made applicable to the above-captioned adversary proceedings pursuant to Fed. R. Bankr. P. 7030, 7034, and 9016, Superior Livestock Auction, Inc., by and through the undersigned attorneys, will continue the oral deposition of James Knauer on **August 3, 2012 at 9:30 A.M. at the law offices of Faegre**

Baker Daniels LLP, 300 N. Meridian Street, Suite 2700, Indianapolis, Indiana 46204.

The deposition will be conducted before an officer duly authorized to administer an oath and will be recorded both by **audio and video means**.

The witness and his counsel shall bring to the deposition each of the following things and make them available for inspection and copying during the deposition:

- A. The analysis prepared by DSI which is referenced in either the Report and/or the *Comments and Adoption by Hoover Hull LLP of Report of the Trustee, James A. Knauer, Regarding Investigation and Analysis of Potential Claims Against Fifth Third Bank*. ("Comments") filed by Hoover Hull, and all drafts thereof and supporting documentation relating thereto.
- B. All timesheets, statements, or other billing documentation relating to or evidencing work performed by you, your counsel, or your financial advisors relating to the Trustee's Report and/or matters described or identified therein.
- C. All documents and writings in your custody, possession or control relating to the settlement or settlement negotiations referenced in the Report between the Trustee and any of his representations, Fifth Third Bank and any of its representatives, and/or Wells Fargo Bank and any of its representatives.
- D. All documents, including but not limited to electronic documents, which are in your possession custody or control, relating to projected or estimated recoveries in the Eastern Livestock case which were provided at any time by you or any representative of the Trustee to Fifth Third Bank, Wells Fargo, or/or any of their representatives.
- E. All correspondence, including electronic correspondence, between you (including any of your representatives) and Fifth Third Bank and/or Wells Fargo (or any of their representatives) relating in any way to Eastern livestock or the Eastern livestock bankruptcy proceedings.

The deposition will be taken for the purpose of discovery, for use at hearings and trials, and for all other uses permitted by the Federal Rules of Civil Procedure, and the Federal Rules of Bankruptcy Procedure.

Respectfully submitted,

RUBIN & LEVIN, P.C.

By: /s/ John M. Rogers

John M. Rogers, Atty. No. 6182-49

Christopher M. Trapp, Atty. No. 27367-53

RUBIN & LEVIN, P.C.

342 Massachusetts Avenue

Indianapolis, IN 46204

(317) 634-0300; FAX (317) 453-8601

johnr@rubin-levin.net

ONE OF COUNSEL FOR SUPERIOR
LIVESTOCK AUCTION, INC.

CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2012, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system:

David L. Abt	davidabt@mwt.net
John W Ames	jwa@gdm.com, shm@gdm.com;tlm@gdm.com;rtrowbridge@kslaw.com
T. Kent Barber	kbarber@dlgfir.com, dlgecf@dlgfir.com;dlgecfs@gmail.com
C. R. Bowles	crb@gdm.com, shm@gdm.com;lgw@gdm.com
Lisa Koch Bryant	courtmail@fbhlaw.net
James M. Carr	james.carr@bakerd.com, patricia.moffit@bakerd.com
John R. Carr	jrciii@acs-law.com, sfinnerty@acs-law.com
Deborah Caruso	dcaruso@dalee.com, lharves@dalee.com;mthomas@dalee.com
Bret S. Clement	bclement@acs-law.com, sfinnerty@acs-law.com
Jesse Cook-Dubin	jcookdubin@vorys.com, vdarmstrong@vorys.com
Kirk Crutcher	kcrutcher@mcs-law.com, jparsons@mcs-law.com; cmarshall@mcs-law.com
Dustin R. DeNeal	dustin.deneal@bakerd.com, patricia.moffit@bakerd.com
Laura Day DelCotto	ldelcotto@dlgfir.com, dlgecf@dlgfir.com;dlgecfs@gmail.com
David Alan Domina	dad@dominalaw.com, KKW@dominalaw.com;efiling@dominalaw.com
Daniel J. Donnell on	ddonnellon@ficlaw.com, knorwick@ficlaw.com
Robert Hughes Free	robertforee@bellsouth.net
Sandra D. Freeburger	sfreeburger@dsf-atty.com, smattingly@dsf-atty.com

Terry E. Hall	terry.hall@bakerd.com, sharon.korn@bakerd.com
John Huffaker	john.huffaker@sprouselaw.com, lynn.acton@sprouselaw.com;rhonda.rogers@sprouselaw.com
James Bryan Johnston	bjtexas59@hotmail.com, bryan@ebs-law.net
Todd J. Johnston	tjohnston@mcjllp.com
Edward M King	tking@fbtlaw.com, dgioffre@fbtlaw.com
James A. Knauer	jak@kgrlaw.com, hns@kgrlaw.com
Theodore A	
Konstantinopoulos	ndohbky@jbandr.com
Randall D. LaTour	rdlatour@vorys.com, khedwards@vorys.com
David L. LeBas	dlebas@namanhowell.com, koswald@namanhowell.com
Elliott D. Levin	edl@rubin-levin.net
Kim Martin Lewis	kim.lewis@dinslaw.com, lisa.geeding@dinslaw.com;patrick.burns@dinslaw.com
Karen L. Lobring	lobring@msn.com
John Hunt Lovell	john@lovell-law.net, sabrina@lovell-law.net
John Frederick Massouh	john.massouh@sprouselaw.com
Kelly Greene McConnell	lisahughes@givenspursley.com
William Robert Meyer	rmeyer@stites.com
Allen Morris	amorris@stites.com, dgoodman@stites.com
Judy Hamilton Morse	judy.morse@crowedunlevy.com, ecf@crowedunlevy.com;donna.hinkle@crowedunlevy.com;karol.brown@crowedunlevy.com
Walter Scott Newbern	wsnewbern@msn.com
Matthew J. Ochs	matt.ochs@moyewwhite.com, kim.maynes@moyewwhite.com
Ross A. Plourde	ross.plourde@mcafeetaft.com, erin.clogston@mcafeetaft.com
Timothy T. Pridmore	tpridmore@mcjllp.com, lskibell@mcjllp.com
Jeffrey E. Ramsey	jramsey@hopperblackwell.com, mhaught@hopperblackwell.com
Mark A. Robinson	mrobinson@vhrlaw.com, dalbers@vhrlaw.com
Jeremy S Rogers	Jeremy.Rogers@dinslaw.com, joyce.jenkins@dinslaw.com
Ivana B. Shallcross	ibs@gdm.com
Robert K Stanley	robert.stanley@bakerd.com
Meredith R. Thomas	mthomas@daleeke.com, kmark@daleeke.com
John M. Thompson	john.thompson@crowedunlevy.com, jody.moore@crowedunlevy.com,donna.hinkle@crowedunlevy.com
U.S. Trustee	ustpreion10.in.ecf@usdoj.gov
Stephen A. Weigand	sweigand@ficlaw.com
Charles R. Wharton	Charles.R.Wharton@usdoj.gov, Charles.R.Wharton@usdoj.gov
Jessica E. Yates	jyates@swlaw.com, edufficy@swlaw.com
James T. Young	james@rubin-levin.net, ATTY_JTY@trustesolutions.com;kim@rubin-levin.net;lemerson@rubin-levin.net

I further certify that on July 30, 2012, a copy of the foregoing was mailed by first-class U.S. Mail, postage prepaid, and properly addressed to the following:

National Cattlemen's Beef Association
c/o Alice Devine
6031 SW 37th St.
Topeka, KA 66610

/s/ John M. Rogers
John M. Rogers